

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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EQUAL EMPLOYMENT OPPORTUNITY	:	Civil Action No.
COMMISSION,	:	
	:	
Plaintiff	:	ECF CASE
	:	
-Against-	:	COMPLAINT
	:	
McDONALD's USA, LLC	:	<u>JURY TRIAL DEMAND</u>
	:	
Defendant	:	
	:	
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**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Charging Party, Y. R. N., (hereinafter "Charging Party") who was adversely affected by such unlawful practices. As alleged with greater specificity in paragraph seven (7) below, Charging Party was subjected to sexual harassment by Defendant, McDonald's USA, LLC (hereinafter "McDonald's").

**JURIDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The alleged unlawful employment practices were committed within the jurisdiction of the United States District Court for the District of New Jersey.

### **PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, McDonald's has continuously been a Delaware corporation doing business in the State of New Jersey and the City of Perth Amboy, and has continuously had at least 15 employees.

5. At all relevant times, McDonald's has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, Charging Party filed a charge with the Commission, EEOC Charge No. 846-2008-56798, alleging violations of Title VII by McDonald's. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August 2007, McDonald's has engaged in unlawful employment practices in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2 at its facility located at 633 New Brunswick in Perth Amboy, New Jersey, by creating and maintaining a hostile work environment based on sex. These practices include, but are not limited to:

a. Charging Party is a male. At the time of these incidents, he was 16-17 years of age and was employed by McDonald's as a crew person.

b. McDonald's allowed Charging Party's supervisor, a female assistant store manager, to make unwelcome comments about the Charging Party's appearance, and to physically grab, touch, spank, hug, and pinch Charging Party and other male employees without their consent and because of their sex; and

c. McDonald's failed to take sufficient action to remedy or prevent sexual harassment of its employees.

8. The effect of the practices complained of above has been to deprive Charging Party of equal employment opportunities and otherwise adversely affect his status as an employee because of his sex.

9. The unlawful employment practices complained of above were intentional.

10. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Charging Party.

### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining McDonald's, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of sex.

B. Order McDonald's to institute and carry out policies, practices, and programs which provide equal employment opportunities for males and which eradicate the effects of its past and present unlawful employment practices.

C. Order McDonald's to make whole Charging Party by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to reinstatement.

D. Order McDonald's to make whole Charging Party by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

E. Order McDonald's to make whole Charging Party by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including pain, suffering and humiliation, in amounts to be determined at trial.

F. Order McDonald's to pay Charging Party punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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